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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,798	12/20/2001	Hidetaka Numata	9281-4256	5394

7590 04/22/2005

Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago, IL 60610

EXAMINER

AWAD, AMR A

ART UNIT	PAPER NUMBER
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2675

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/036,798

Applicant(s)

NUMATA ET AL.

Examiner

Amr Awad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-11 and 17-19 is/are rejected.
- 7) ☒ Claim(s) 5-7 and 12-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/19/2005 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 8-11 and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Levin et al. (US patent NO. 6,154,201; hereinafter referred to as Levin).

As to independent claim 1, Levin (figure 1) teaches a manual input device (10) that includes a knob (18), feeling providing device, which has at least two kinds of feeling patterns (col. 7 lines 58-65 and 8, lines 3-23), and an actuator (70 in figures 3B & 8) which positions at least one of a ball (84) or pin (50) in contact with the feeling providing device (col. 12, lines 26-56, col. 8, lines 3-8 and col. 10, lines 30-35).

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As to claim 2, Levin teaches having the knob manipulated by linear movement (col. 4, lines 25-29).

As to claims 3-4, as can be seen from figure 1, Levin shows rotation movement by the knob 18 (col. 5, lines 47-51).

As to claim 8, Levin (figure 1) teaches a manual input device (10) that includes a knob (18), feeling providing device, which provides the knob with an operation feeling (col. 7, lines 58-65 and col. 8 lines 3-23), and an actuator (by pushing the knob 18), which activates the feeling-providing device (col. 8, lines 3-8). Levin teaches a detector (sensor 214 in fig. 8) for detecting the operating condition of the knob, and an input/output section, which exchanges signals with an external device, controlled by the knob, wherein the actuator is controlled according to a control signal generated based on an external signal from an external detector connected at least with the external device (col. 8, line 65 through col. 9, line 12).

As to claim 17, Levin (figure 8) teaches a detector (sensor 214) which detects the operating condition of the knob (18), and an input/output section (the portion that connects the sensor interface 208 to other input 220 and to the local micro-processor 202) (col. 20, lines 47-57 and col. 21, lines 39-51), and wherein both a detection signal and an external signal are inputted into the external device (col. 19, line 39 to col. 20, line 33).

As to claims 18-19, the claims are substantially similar to claims 1-7 above except that claims 18-19 further recite a car-mounted apparatus. Levin teaches that the device is used inside a car (col. 7, line 66 through col. 8, line 22).

Allowable Subject Matter

4. Claims 5-7 and 12-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments filed 1/19/2005 have been fully considered but they are not persuasive.

Applicant repeated the argument that a human action such as applying force, or turning a knob, cannot be substituted for an element or limitation of an apparatus, which performs that function, and that the machine itself in Levin would have to perform the actions. Examiner respectfully disagrees. Neither Claim 1 nor the cited court case ever concluded or even suggested that the feeling providing device which provides at least two kinds of feeling patterns has to do that without a human intervention. In almost any device, a human intervention is necessary to at least activate the device. Some devices (bicycle for example) depend solely on the human intervention to provide the necessary power to perform the action, and we still call it a device. Examiner will agree that the device has to at least have an outcome that is performed by the device itself. For that, in the rejection above, examiner shows that the feeling providing device is the force feedback provided on the knob (18), which includes a variety (i.e., at least two feeling as on claim 1) of different force sensations (col. 10, lines 8-18). In different part of the specification, Levin shows that such feeling is produced by an actuator (70), which can

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be a motor (col. 9, line 65 through col. 10, line 7). Examiner agrees with the Applicant's argument with respect to claims 5-7 and 12-16, and therefore, these claims are indicated to be allowable subject matter.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jakobs et al. (US patent NO. 5,944,151) teaches an operating device with haptic response for the manual entering of information into a device.

Miller et al. (US patent NO. 6,320,487) teaches a control device with tailored feedback.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amr Awad whose telephone number is (571) 272-7764. The examiner can normally be reached on Monday through Friday from 9:30 AM to 6:00 PM.

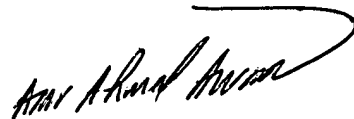
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on (571)272-3638. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AA

AMR A. AWAD
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read "AMR A. AWAD", with a large, sweeping flourish extending from the end of the signature.